

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA,
Plaintiff**

v.

**SILVESTRE RICO BELTRAN,
Defendant**

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1:07-cr-00804-SWK

MOTION TO REQUEST NOTICE OF RULE 404(b) EVIDENCE

TO THE HONORABLE JUDGE, UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK:

COMES NOW, SILVESTRE RICO BELTRAN, Defendant, by and through his attorney,
Carlos A. García, and files this Motion to Request Notice of Rule 404(b) evidence. Pursuant to the
Federal Rules of Evidence and would show onto the Court the following:

I.

The Defendant is requesting notice of evidence of other crimes, wrongs, or acts which the
government may have of the defendant.

II.

Rule 404(b) requires the prosecution to provide notice, regardless of how it intends to use the
extrinsic act evidence. Because the notice requirement serves as condition precedent to admissibility
of 404(b) evidence, the offered evidence is inadmissible if the Court decides that the notice
requirements have not been met.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Motion to Request

Notice of Rule 404(b) Evidence, be granted.

Respectfully Submitted,

/s/ Carlos A. Garcia
Carlos A. Garcia
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Southern District of Texas Bar No. 589236
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CERTIFICATE OF SERVICE

I, Carlos A. García, hereby certify that on Monday, July 7, 2008 a true and correct copy of the above and foregoing Motion to Request Notice of Rule 404(b) Evidence was forwarded to Brendan R. McGuire, Attorney in charge of this case, at the United States Attorney's Office, Southern District of New York, One St. Andrew's Plaza, New York, New York, 10007.

/s/ Carlos A. García
Carlos A. García

CERTIFICATE OF CONFERENCE

I, Carlos A. Garcia, hereby certify that on July 1, 2008, the undersigned counsel conferred with Brendan R. McGuire, the Assistant United States Attorney in charge of this case and he was unopposed.

/s/ Carlos A. Garcia
Carlos A. Garcia